

Re. : Response to Office Action Mailed August 17, 2005
Appl. No. : 10/821,566
Filed : April 9, 2004

III. REMARKS

Claims 1-32 are currently pending in the application. The Office Action allowed Claims 21-26 and 28-32; rejected Claims 1, 3-5, 7, 9, 14, 16 and 27; and objected to Claims 2, 6, 8, 10-13, 15 and 17-20. The Office Action stated that Claims 2, 6, 8, 10-13, 15 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicants rewrote Claims 6, 8, 10, 11 and 20 in independent form including all of the limitations of the base claim and any intervening claims. Thus, Claims 6, 8, 10, 11 and 20 should now also be allowable.

Additionally, Applicants cancelled Claims 4, 5 and 9 without prejudice; and amended Claims 1 and 27 to clarify, more clearly define and/or broaden the claimed invention, and expedite receiving a notice of allowance. Pursuant to 37 C.F.R. § 1.121(f), no new matter is introduced by these amendments. Applicants believe that Claims 1-3, 6-8 and 10-32 are now in condition for allowance.

Please note that Applicants' remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's.

Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and

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discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

Response to Request for Corrected Filing Receipt

The Office Action stated the request for a corrected filing receipt needs to be submitted in a separate letter and, after submission of the separate letter, the appropriate party will review the continuing data information of the application. As requested, Applicants are submitting a Request for a Corrected Filing Receipt via a separate letter.

Information Disclosure Statement

The Office Action stated that the references cited in the IDS filed March 10, 2005 have been crossed out because they have already been previously considered. Applicants respectfully thank the Examiner for her careful review of the IDS filed March 10, 2005.

Response to the Objection of the Drawings

The Office Action stated that the drawings are objected to because the lip (now recited in Claim 4) is not designated by any reference numeral. The Office Action stated that corrected drawing sheets in compliance with 37 C.F.R. §1.121(d) are required.

As stated above, Applicants cancelled Claim 4 without prejudice. Accordingly, Applicants request that this objection to the drawings be withdrawn.

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Response to the First Section 102(b) Rejection

The Office Action rejected Claims 1, 3, 4, 9, 14, and 16 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 2,075,778 issued to Johannsen. The Office Action contends that the Johannsen patent teaches a table (Figs. 2 and 4) comprising: a table top (13), a frame with first and second side rails (21, long elements), four brackets (25) pivotally attached to a respective side rail and four legs (11) respectively attached to one of the brackets. The Office Action also contends that, in the extended positions of the legs, the rails extend between the table top and legs (see Fig. 5) and the legs are adjacent to a lower surface of the table top. The Office Action contends that, when in the collapsed position, the legs are adjacent the rails; however, before the legs are extended to their vertical positions, they are placed in a position wherein they are spaced from the rails. In addition, the Office Action contends the first and second crossbars (21, short members) interconnect pairs of brackets together and the side rails together (via long members 21). Further, the Office Action states the brackets are “generally” disposed between the undersurface of the table top and a lower portion of an extending lip (see Figs. 5, 23) when the legs are extended, are “generally” aligned with the respective side rails when the legs are extended and are disposed at an angle relative to the respective side rails when collapsed.

Applicants respectfully traverse this rejection because the Johannsen patent does not disclose each and every element of Claims 1, 3, 4, 9, 14, and 16. However, in order to further clarify, define and/or broaden the claimed invention, and expedite receiving a Notice of Allowance, Applicants amended Claim 1 and cancelled Claims 4 and 9 without prejudice.

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Applicants amended Claim 1, for example, to provide “the first leg being at least substantially spaced apart from the first side rail when the first leg is in the collapsed position,” “the second leg being at least substantially spaced apart from the first side rail when the second leg is in the collapsed position,” “the third leg being at least substantially spaced apart from the second side rail when the third leg is in the collapsed position,” and “the fourth leg being at least substantially spaced apart from the second side rail when the fourth leg is in the collapsed position.” Thus, Claim 1 now positively recites **the first leg is at least substantially spaced apart from the first side rail when the first leg is in the collapsed position; the second leg is at least substantially spaced apart from the first side rail when the second leg is in the collapsed position, the third leg is at least substantially spaced apart from the second side rail when the third leg is in the collapsed position and the fourth leg is at least substantially spaced apart from the second side rail when the fourth leg is in the collapsed position.**

In contrast, the Johannsen patent discloses a folding table including a pair of interbraced complementary legs. Col. 2, lines 6-7. The Johannsen patent states “referring now to the preferred mode of pivotally attaching each upper end of my foldable legs to said framework, this is herein accomplished by the use of cooperative links such as a relatively long brace link 24 and a relatively shorter guide link 26. Col. 2, line 53 to col. 3, line 3. The Johannsen patent explains “in the erected position, the guide links 25 respectively extend inwardly toward the medial board region from their pivots 26 to the corresponding upper leg pivot 16 so as to fall into substantial alignment with the adjoining framework rail.” Col. 3, lines 9-14. The Johannsen patent also explains “when the leg

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pairs are collapsed, the several guide links extend outwardly away from their respective pivots 26 in the fashion represented in Fig. 3 and the leg side flanges 15 then fall in registry upon an outstanding rail edge of the endless frame flange 23.” Col. 3, lines 43-46. Significantly, the Johannsen patent does not disclose a first leg that is at least substantially spaced apart from the first side rail when the first leg is in the collapsed position; a second leg that is at least substantially spaced apart from the first side rail when the second leg is in the collapsed position, a third leg that is at least substantially spaced apart from the second side rail when the third leg is in the collapsed position or a fourth leg that is at least substantially spaced apart from the second side rail when the fourth leg is in the collapsed position

Because the Johannsen 1 patent does not disclose each and every element of Claim 1, Applicants respectfully request that the Section 102(b) rejection be withdrawn. Additionally, Applicants request that this Section 102(b) rejection of Claims 3, 14, and 16 be withdrawn at least because these claims are dependent upon amended Claim 1.

Response to the Second Section 102(b) Rejection

The Office Action rejected Claim 27 under 35 U.S.C. § 102(b) as being anticipated by United States patent no. 6,920,832 issued to Lou-Hao. The Office Action states that the Lou-Hao patent teaches a table (Fig. 3) comprising: a table top (12), a frame with first and second side rails (34, 36), four brackets (56) pivotally attached to a respective side rail, four legs (20) respectively attached to one of the brackets, and first and second crossbars (28) interconnecting the side rails and being

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attached to the table top via clip.

Applicants respectfully traverse this rejection because the Lou-Hao patent does not disclose each and every element of Claim 27. However, in order to further clarify, define and/or broaden the claimed invention, and expedite receiving a Notice of Allowance, Applicants amended Claim 27.

Applicants amended Claim 27, for example, to provide “the first leg being disposed generally perpendicular to the first side rail and the first bracket being disposed generally parallel to the first side rail when the first leg is in the extended position, the first leg being disposed generally parallel to and at least substantially spaced apart from the first side rail when the first leg is in the collapsed position, the first bracket being disposed generally perpendicular to the first side rail when the first leg is in the collapsed position;” “the second leg being disposed generally perpendicular to the first side rail and the second bracket being disposed generally parallel to the first side rail when the second leg is in the extended position, the second leg being disposed generally parallel to and at least substantially spaced apart from the first side rail when the second leg is in the collapsed position, the second bracket being disposed generally perpendicular to the first side rail when the second leg is in the collapsed position;” “the third leg being disposed generally perpendicular to the second side rail and the third bracket being disposed generally parallel to the second side rail when the third leg is in the extended position, the third leg being disposed generally parallel to and at least substantially spaced apart from the second side rail when the third leg is in the collapsed position, the third bracket being disposed generally perpendicular to the second side rail when the third leg is in the collapsed position;” and “the fourth leg being disposed generally perpendicular to the second side rail and the

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fourth bracket being disposed generally parallel to the second side rail when the fourth leg is in the extended position, the fourth leg being disposed generally parallel to and at least substantially spaced apart from the second side rail when the fourth leg is in the collapsed position, the fourth bracket being disposed generally perpendicular to the second side rail when the fourth leg is in the collapsed position.”

Thus, Claim 1 now positively recites the first leg is disposed generally perpendicular to the first side rail and the first bracket is disposed generally parallel to the first side rail when the first leg is in the extended position, the first leg being is generally parallel to and at least substantially spaced apart from the first side rail when the first leg is in the collapsed position, the first bracket is disposed generally perpendicular to the first side rail when the first leg is in the collapsed position. Claim 1 also positively recites the second leg is disposed generally perpendicular to the first side rail and the second bracket is disposed generally parallel to the first side rail when the second leg is in the extended position, the second leg is disposed generally parallel to and at least substantially spaced apart from the first side rail when the second leg is in the collapsed position, the second bracket is disposed generally perpendicular to the first side rail when the second leg is in the collapsed position. Additionally, Claim 1 positively recites the third leg is disposed generally perpendicular to the second side rail and the third bracket is disposed generally parallel to the second side rail when the third leg is in the extended position, the third leg is disposed generally parallel to and at least substantially spaced apart from the second side rail when the third leg is in the collapsed position, the third

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bracket is disposed generally perpendicular to the second side rail when the third leg is in the collapsed position. Finally, Claim 1 positively recites the fourth leg is disposed generally perpendicular to the second side rail and the fourth bracket is disposed generally parallel to the second side rail when the fourth leg is in the extended position, the fourth leg is disposed generally parallel to and at least substantially spaced apart from the second side rail when the fourth leg is in the collapsed position, the fourth bracket is disposed generally perpendicular to the second side rail when the fourth leg is in the collapsed position.

In contrast, the Lou-Hao patent discloses a table with a leg lock that is arranged to lock the leg in the extended orientation and in the collapsed orientation. Col. 1, lines 18-20. The Lou-Hao patent states “FIGS. 2-5 provide an overview of how the leg locks 14 work to lock and unlock the legs 14 in the extended and collapsed orientations. Each leg lock 14 includes an adjustment device 18 including a rotatable handle 38. To lock the legs 14 in the extended orientation, the handles 38 are rotated inwardly, as shown in FIG. 2. The handles 38 may be rotated outwardly to move the legs outwardly to unlock the legs 14 for rotation from the extended orientation to the collapsed orientation, as shown in FIG. 3.” Col. 4, lines 8-15. The Lou-Hao patent explains “The adjustment device 18 includes a motion converter 30 associated with each eccentric element 44 and each bracket 26 to convert rotation of the leg actuator 28 into rectilinear motion of each bracket 26 and thus the leg 14, as shown in FIG. 6 with respect to one of the motion converters 30. The motion converter 30 includes a slide 46 positioned inside one of the channels 36 for rectilinear motion therein upon rotation of the actuator 28. The channel 36 may thus be considered as a slide guide included in the

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motion converter 30.” Col. 5, lines 31-40.

Because the Lou-Hao patent does **not** disclose each and every element of Claim 27, Applicants respectfully request that the Section 102(b) rejection be withdrawn.

Response to the First Section 103(a) Rejection

The Office Action rejected Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the Johannsen patent in view of United States Patent No. 3,123,935 issued to Williams. The Office Action contends that, as stated above, the Johannsen patent teaches the limitations of Claim 1 including pivotally mounted legs under a table top. The Office Action acknowledges that for Claim 5, the Johannsen patent fails to teach a drawer under the table top. The Office Action, however, contends the Williams patent teaches the use of a drawer (69) under a top table. The Office Action contends that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the table of Johannsen by adding a drawer under its table top between one or more rails and side edges of the table top, such as taught by Williams, to provide a storage means under the table top.

Applicants respectfully traverse these rejections because neither the Johannsen patent nor the Williams patent, either alone or in combination, teach, suggest or disclose each and every element of Claim 5. In order to expedite receiving a Notice of Allowance, however, Applicants cancelled Claim 5 without prejudice.

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Response to the Second Section 103(a) Rejection

The Office Action rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over the Johannsen patent in view of United States Patent No. 2,004,696 issued to Heath. The Office Action contends that, as stated above, the Johannsen patent teaches the limitations of Claim 1 including pivotally mounted legs under a table top. The Office Action acknowledges that for Claim 7, the Johannsen patent fails to teach a locking pin to secure the first leg member in an extended position. The Office Action, however, contends the Heath patent teaches the use of a pin (21) to secure a leg member (13) via its bracket (17) in an extended position. The Office Action contends that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the table of Johannsen by adding a locking pin on the legs and openings in its brace links, such as taught by Heath, to provide a means to help hold the legs in their extended positions.

Applicants respectfully traverse these rejections because neither the Johannsen patent nor the Heath patent, either alone or in combination, teach, suggest or disclose each and every element of Claim 7. Additionally, Applicants request that this Section 103(a) rejection of Claim 7 be withdrawn at least because it is dependent upon amended Claim 1.

CONCLUSION

In view of the foregoing, Applicant submits that Claims 1-32 are allowable over the cited references and are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be promptly issued.

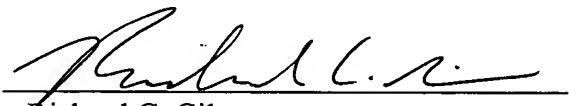
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If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

The Commissioner is authorized to charge payment of any additional fees associated with this communication, which have not otherwise been paid, to Deposit Account No. 23-3178. If any additional extension of time is required, which have not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: November 16, 2005

By: 
Richard C. Gilmore
Registration No. 37,335
Attorney of Record

Customer No. 22,913

WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707
E-mail: rgilmore@wnlaw.com